SBCivil Writ Petition No.1744/2005

Rajulal Teli
v.
State of Rajasthan & Anr.

Date of Order :: 7th November, 2006

HON'BLE MR. JUSTICE GOVIND MATHUR

Mr. I.R.Chaudhary for the petitioner.
Mr. B.L.Tiwari, Deputy Government Advocate.

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The controversy involved in this petition is no more res integra in view of the Division Bench judgment of this Court in the case of Panna Lal Joshi Vs. State of Rajasthan & ors. reported in 2006(6) RDD 3458 (Raj) (DB), wherein this Court held as under:

> "Coming to the merit of the case, it appears to us that to the extent a person how has passed Senior Secondary (Vocational) Course has to be treated as eligible (Academic) and the Bridge Course for considering his eligibility if the recruitment to posts in question is concluded by the decision of Supreme Court. In that event, the petitioner is entitled to claim determination of his merit on the basis of his marks in Senior Secondary (Vocational) Examination itself without recourse to marks obtained in Bridge Course which does not fall within the ambit of necessary qualification. It is not a case that the person is required to hold both the qualifications i.e., Senior Secondary (Vocational) as well as Senior Secondary (Academic). If a person is holding the only qualification of Senior Secondary (Academic), the requirement of having a bridge course was additional to it. In that event considering

> the marks obtained at Higher Secondary or Bridge Course together may be considered. However, when Secondary Senior (Vocational) course itself is complete required qualification one cannot be denied merit by referring to marks obtained in bridge course."

In view of law laid down by the Division Bench in the case of Panna Lal Joshi (supra), the Senior Secondary Vocational Course itself is complete required qualification and the person possessing such qualifications, cannot be denied merit by referring to marks for bridge course.

In view of it, Clause 10 of the advertisement dated 25.02.2004 is declared illegal and the merit of the petitioner is also required to be determined in accordance with Clause 13 of the advertisement referred above.

Accordingly, this petition for writ is allowed. The respondent shall determine merit of the petitioners while considering their candidature for appointment to the post of Teacher Grade III in pursuant to the advertisement dated 25.02.2004 in accordance with Clause 13 of the advertisement referred above.

(GOVIND MATHUR),J.

Kkm/ps.